**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRI. WRIT PETITION NO. 174 OF 2005**

Ashok Baburao Pokale .. Petitioner.

V/s.

The State of Maharashtra & Ors. ..Respondents.

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Shri D.S. Manerkar for the Petitioner.
Shri K.V.Saste, APP for Respondent No.1 -State.

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**CORAM : A.M.KHANWILKAR, J.**
**DATED : FEBRUARY 08,2005.**

**PC :-**

1. Heard learned counsel for the parties.

2. The first contention raised before me is that the communication at page 22 indicates that the petitioner was to be externed from the area of Brihanmumbai,Thane and Raigad;whereas the final order as passed is only in respect of area of Brihanmumbai and Thane districts. This by itself cannot be a ground to interfere with the concurrent decisions of the Authorities below. The appellate authority has rightly observed that the Petitioner was originally intended to be externed from three districts, as notified to him, however, in the final decision the appellate authority confined the externment of the

Petitioner only from the areas of Gr. Mumbai and Thane. This in my opinion, indicates that the authority has considered all the relevant aspects and confined externment only in respect of two districts so that the decision does not suffer from the vice of excessive externment. If it is so, that cannot be a ground for questioning the order as passed against the petitioner.

3. The second contention raised before this court is that action is based on 7 cases registered against the petitioner, which are mostly non- cognizable offences except the one in respect of the offence under section 307 read with section 34 of the I.P.C.. Even though seven cases registered against the applicant are non-congnizable offences, but as the said offences come within the specified chapter, as provided by section 56 of the Act, the order as passed by the authority cannot be doubted in any manner. Besides, it is seen that the appellate authority has reduced externment period for only one year. In the circumstances, there is no substance in the two contentions raised before me by the petitioner and the petition deserves to be dismissed. Hence, dismissed.

4. Ordered accordingly.

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